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Attorney for Plaintiff
John Doe

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

JOHN DOE,

Plaintiff,

v.

RENTGROW, INC.,

Defendant.

Case No.: 2:23-cv-00860-ART-EJY

**JOINT ~~PROPOSED~~ DISCOVERY
PLAN AND SCHEDULING ORDER**

**SUBMITTED IN COMPLIANCE
WITH LR26-1(b)**

Plaintiff John Doe (“Plaintiff” or “Mr. Doe”) and Defendant RentGrow, Inc. (“Defendant” or “RentgGrow”) (together, the Parties”), by and through their counsel of record, hereby submit their Joint Proposed Discovery Plan Scheduling Order pursuant to Federal Rule of Civil Procedure 16 and 26, as well as LR II 26-1. It is hereby requested that the Court enter the following discovery plan and scheduling order.

1 Pursuant to Fed. R. Civ. P. 26(f) and LR 26-1(a), a telephonic meeting was held on
2 **August 16, 2023.**

3 **I.** Whether the Parties have exchanged initial disclosure statements under Rule
4 26(a)

5 The Parties have not exchanged initial disclosures. The Parties have agreed to
6 exchange initial disclosures no later than **August 30, 2023**, fourteen (14) days after the
7 Fed. R. Civ. P. 26(f) conference.

8 **II. Discovery Cut-Off Date**

9 Discovery will take 180 days, measured from the appearance of the first Defendant,
10 which was on **July 19, 2023**. (Doc. 8) The discovery cut-off date, therefore, will be
11 **January 15, 2024.**

12 **III. Amending the Pleadings and Adding Parties**

13 Pursuant to LR 26-1(b)(2), the deadline for filing motions to amend the pleadings
14 or to add parties is **90 days** before the close of discovery, therefore the deadline will be
15 **October 16, 2023.**

16 **IV. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts)**

17 Pursuant to LR 26-1(b)(3), unless the discovery plan otherwise provides and the
18 court so orders, the deadlines in Fed. R. Civ. P. 26(a)(2)(D) for expert disclosures are
19 modified to require that the disclosures be made **60 days** before the discovery cut-off date
20 and that rebuttal-expert disclosures be made **30 days** after the initial disclosure of experts.

Therefore, expert disclosures deadline will be **November 15, 2023.**

Rebuttal expert disclosures deadline will be **December 15, 2023.**

1 **V. Dispositive Motions**

2 Pursuant to LR 26-1(b)(4), unless the discovery plan otherwise provides and the
3 court so orders, the deadline for filing dispositive motions is **30 days** after the discovery
4 cut-off date.

5 Therefore, the deadline for filing dispositive motions is **February 13, 2024**.

6 **VI. Pretrial Order**

7 Pursuant to LR 26-1(b)(5), unless the discovery plan otherwise provides and the
8 court so orders, the deadline for the joint pretrial order is **30 days** after the dispositive-
9 motion deadline.

10 If no dispositive motions are filed, the deadline for the joint pretrial order, Fed. R.
11 Civ. P. 26(a)(3) disclosures, and any objections to them is **March 14, 2024**.

12 If dispositive motions are filed, the deadline for filing the joint pretrial order, Fed.
13 R. Civ. P. 26(a)(3) disclosures, and any objections to them will be suspended until **30 days**
14 after decision on the dispositive motions or further court order.

15 **VII. Fed. R. Civ. P. 26(a)(3) Disclosures**

16 In accordance with LR 26-1(b)(6), the disclosures required by Fed. R. Civ. P.
17 26(a)(3) and any objections to them must be included in the joint pretrial order.

18 If dispositive motions are filed, the deadline for filing the joint pretrial order, Fed.
19 R. Civ. P. 26(a)(3) disclosures, and any objections to them will be suspended until **30 days**
20 after decision on the dispositive motions or further court order.

VIII. Alternative Dispute Resolution

 The parties certify that they met and conferred about the possibility of using

1 alternative dispute-resolution processes including mediation, arbitration, and if applicable,
2 early neutral evaluation, but have not come to any agreement at this time.

3 The assistance of a magistrate judge in facilitating a settlement conference after the
4 Parties engage in initial discovery may be useful. Other than that, the Parties do not believe
5 that this case is suitable for reference to arbitration or early neutral evaluation.

6 **IX. Alternative Forms of Case Disposition**

7 The parties further certify that they considered consent to trial by a magistrate judge
8 under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program
(General Order 2013-01).

9 The parties do not consent to trial by a Magistrate Judge.

10 The parties do not consent to the use of the Short Trial Program (General Order
11 2013-01).

12 **X. Electronically Stored Information (“ESI”) and Electronic Evidence**

13 The parties certify that they intend to present evidence in electronic format to jurors
14 for the purposes of jury deliberations. The parties will consult the court’s website or contact
15 the assigned judge’s courtroom administrator for instructions about how to prepare
16 evidence in an electronic format and other requirements for the court’s electronic jury
17 evidence display system.

18 The parties have discussed the retention and production of electronic data. Subject
19 to the entry of a stipulated protective order limiting the use of any information discovered
20 throughout this course of this action, the parties agree to produce ESI in PDF format, and
to the extent possible, in searchable PDF format. The parties agree that service of discovery

1 via electronic means, including electronic files copied to compact disc, pursuant to Fed. R.
2 Civ. 5(b), is sufficient, and the parties retain the right to serve by mail and receive three
3 additional days for mailing provided for in Fed. R. Civ. P. 6(d). The parties reserve the
4 right to revisit this issue if a dispute or need arises. The parties further intend to present
5 evidence in electronic format to jurors for the purposes of jury deliberations. To the extent
6 discovery requests are served on a Saturday, Sunday, or legal holiday, service will be
7 deemed effective on the next day that is not a Saturday, Sunday, or legal holiday.

8 **XI. Protection of Privileged/Trial Preparation Material:**

9 If a party discovers it has inadvertently disclosed privileged or trial preparation
10 material, it agrees to notify the opposing party in writing within 30 days of the discovery
11 that such document(s) have been disclosed, which written notification will set forth the
12 basis for the claim that the items disclosed are privileged or trial preparation material. If
13 the party receiving the disclosure agrees that the inadvertently produced items are
14 privileged or trial preparation material, it will return all such items to the producing party
15 without the retention of any copies.

16 If the receiving party disputes that the items are privileged or trial preparation
17 materials, it will within 30 days of written notification of the inadvertent disclosure, present
18 the disputed items inadvertently disclosed to the court under seal for a decision with respect
19 thereto (without the retention of copies), including with such submission the producing
20 party's written notification and any statement the receiving party wishes to make in support
of its position that the items are not privileged or trial preparation material. If the receiving
party disclosed the inadvertently produced privileged or trial preparation materials before

1 being notified of the inadvertent disclosure, it will take reasonable steps to retrieve the
2 materials pending resolution of the matter.

3 **XII. Electronic Service of Discovery**

4 The Parties agree that pursuant to Rule 5(b)(2)(E) of the Federal Rules of Civil
5 Procedure, the exchange of pleadings and other papers, including discovery requests,
6 responses, and ESI, shall be in PDF format, and served via email or a secure file transfer
7 protocol, rather than US Mail. All documents served electronically will be deemed as if
8 served by mail.

9 The parties also agree, upon request, to promptly (no later than the second business
10 day after the day of service) provide the sending party with confirmation of receipt of the
11 service by email. The format to be used for attachments to any email message shall be
12 Adobe Acrobat (.pdf). The parties agree to serve their written discovery requests in both
13 Microsoft Word (.docx) and Adobe Acrobat (.pdf) format. If an error or delayed delivery
14 message is received by the sending party, that party shall promptly (within one business
15 day of receipt of such message) notify the intended recipient of the message and serve the
16 pleading or other papers by other authorized means, including mail service.

17 The parties will determine the manner of depositions based on the circumstances
18 prevailing when the parties confer to schedule depositions.

18 **XIII. Extension of Discovery Deadline**

19 LR 26-3 governs modifications or extensions to this discovery plan and scheduling
20 order.

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: September 5, 2023

Respectfully submitted this 1st day of September 2023,

/s/Michael Yancey
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